United Nations S/2016/407

Security Council

Distr.: General
29 April 2016

Original: English

Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

I. Introduction and Mission priorities

1. The present report is submitted pursuant to Security Council resolution 1244 (1999), by which the Council decided to establish the United Nations Interim Administration Mission in Kosovo (UNMIK) and requested me to report at regular intervals on the implementation of its mandate. It covers the activities of UNMIK, and developments related thereto, from 16 January to 15 April 2016.

2. The priorities of the Mission remain to promote security, stability and respect for human rights in Kosovo and in the region. In furtherance of its goals, UNMIK continues its constructive engagement with Pristina and Belgrade, all communities in Kosovo and regional and international actors. The Organization for Security and Cooperation in Europe (OSCE) and the Kosovo Force (KFOR) continue to perform their roles within the framework of Security Council resolution 1244 (1999). The European Union Rule of Law Mission (EULEX) continues its presence in Kosovo in line with the statement by the President of the Security Council of 26 November 2008 (S/PRST/2008/44) and my report of 24 November 2008 (S/2008/692). The United Nations agencies, funds and programmes work closely with the Mission.

II. Key political developments

3. While a new President of Kosovo, Hashim Thaçi, was elected by the Assembly of Kosovo, the political situation remained tense and divisive throughout the reporting period. Opposition lawmakers regularly prevented, or sought to prevent, proceedings of the Assembly through disruptive and violent tactics. Among other issues, they objected to the implementation of agreements previously signed by the Kosovo authorities under the European Union-facilitated dialogue between Belgrade and Pristina. Owing in part to this situation, relatively little progress was made in the implementation of the major agreements to date, in particular regarding the establishment of the Association/Community of Serb majority municipalities. However, both Belgrade and Pristina, at the senior level, reiterated their commitment to fully implementing agreements and to continuing the dialogue process. Technical-level talks in Brussels also continued to be held regularly throughout the reporting period.

16-06847 (E) 040516

Please recycle

4. As part of efforts to elevate the level of discourse and behaviour among major parties, on 8 February, the outgoing President of Kosovo, Atifete Jahjaga, initiated a new round of discussions involving party leaders. However, the talks yielded few specific results. Two of the three main opposition party leaders refused to participate, maintaining their stance that only an early election would resolve the deadlock.

5. On 19 February, during the first session of the Assembly of Kosovo in 2016, opposition lawmakers released tear gas canisters in the Assembly hall and opposition supporters protested outside the building. Twenty-three lawmakers were suspended and at least nine detained by police for causing a violent disturbance in the proceedings. Immediately following the session, the leader of the opposition Alliance for the Future of Kosovo party, Ramush Haradinaj, resigned his seat in the Assembly as a further sign of protest. Similar scenes erupted during the 26 February and 10 March sessions of the Assembly. Ahead of the scheduled election of the new President, political violence intensified outside the Assembly hall and elsewhere in Kosovo, as detailed in paragraphs 22 and 23.

6. Notwithstanding this acrimonious environment, on 26 February, the leader of the coalition partner Democratic Party of Kosovo, Hashim Thaçi, hitherto the First Deputy Prime Minister and Foreign Minister, was elected President of Kosovo in the third round of voting. Opposition party representatives repeatedly released tear gas in the Assembly hall during the session. On 2 March, the Prime Minister of Kosovo, Isa Mustafa, formally confirmed that Mr. Thaçi had resigned from his existing government positions in order to assume the office of President. On 4 March, the three major opposition parties challenged the election result in the Constitutional Court, alleging procedural and material violations during the vote. On 4 April, however, the Court declared the petition inadmissible. Mr. Thaçi was sworn in and began his five-year term of office on 7 April. During his inauguration ceremony the following day, he pledged to continue the European journey of Kosovo and the dialogue between Belgrade and Pristina, adding that Kosovo and Serbia should make the transition from a normalization to a reconciliation process. He also resigned as leader of the Democratic Party of Kosovo, as required by law, and the Speaker of the Assembly, Kadri Veseli, was appointed to lead the party until party elections in May.

7. On 27 January, the Prime Minister of Kosovo met the Prime Minister of Serbia, Aleksandar Vučić, in Brussels to assess progress in the dialogue between Belgrade and Pristina, hosted by the High Representative of the European Union for Foreign Affairs and Security Policy, Federica Mogherini. Little specific progress was reported, but the Prime Ministers reiterated their commitment to continuing to normalize relations and to focus on the implementation of the agreements reached to date. On central issues, including settling the modalities and time frame for establishing the Association/Community of Serb majority municipalities in Kosovo, no further meetings or major agreements had been announced by the end of the reporting period.

8. Each side accused the other of delaying the implementation of agreements. Serbian leaders decried the disruption of commerce and trade when "self-determination" associates intercepted and attempted to overturn two Serbian commercial trucks in Kosovo in March. Frictions also developed when Belgrade ceased to validate certifications issued by Pristina for the transport of dangerous

goods. Pristina responded by imposing similar restrictions on Serbian transport vehicles.

9. Regular meetings of the European Union-facilitated dialogue continued at the technical level. The modalities were finalized to implement, beginning on 1 March, the agreement of 2011 on the mutual recognition of educational diplomas, involving the certification of diplomas by the European University Association.

10. On 21 January, the European Parliament voted in favour of the Stabilization and Association Agreement between the European Union and Kosovo, which had been concluded in October 2015. The Agreement entered into force on 1 April.

11. During the reporting period, the leaders of and governing institutions in Serbia were engaged in preparations for the early general election scheduled to be held on 24 April. At the end of the reporting period, discussions were continuing to agree on the modalities under which OSCE would support the holding of elections in Serb-inhabited areas in Kosovo. Serbian political parties held several campaign rallies in Kosovo, with no significant incidents.

12. With regard to the European refugee/migrant crisis affecting the region, United Nations agencies, funds and programmes, in coordination with local and international stakeholders, concluded contingency-planning efforts for the eventuality that the movement of migrants and asylum seekers is diverted across the territory of Kosovo.

13. In March, following widely publicized agreements between Turkey, the European Union and regional political leaders, the so-called "Balkan route" was largely shut. The implications of this agreement for both stranded mixed migrants and host countries along the route were yet to be adequately resolved. United Nations agencies, funds and programmes in the region worked closely and in coordination with all relevant authorities on the ground to implement humanitarian and protection projects. All United Nations presences, including UNMIK, continued to stress the primacy of the protection of individual rights and other difficult considerations when establishing and applying policies to address such major movements of persons.

III. Northern Kosovo

14. Consultations between the mayors of four northern municipalities and the authorities in Pristina yielded a compromise on 24 February, with the municipal assemblies adopting their budgets in conformity with guidance from the Ministry of Finance. Owing to confusion about the appropriate budget ceilings, the assemblies of Leposavić/Leposaviq, Zubin Potok and Zvečan/Zveçan approved slightly amended budgets on 29 February, still in accordance with the guidance from the Ministry. The Ministry had previously rejected significantly larger budget proposals, and discussions between Pristina and the mayors had continued over the course of several months.

15. The implementation of the agreed plan to revitalize the main Mitrovica bridge and its surroundings, expected to conclude by the end of June, did not progress. Although the European Union-managed tender closed on 18 January, construction work has not yet begun. Technical discussions facilitated by the European Union continued, with a view to arriving at a memorandum of understanding between the

relevant ministries and the municipalities of North Mitrovica and South Mitrovica, which would determine the administrative boundaries of cadastral areas in Suvi Do/Suhadoll and Kroi i Vitakut/Brđani.

16. As referenced above, there was progress in the area of the mutual recognition of diplomas by Belgrade and Pristina. Following the adoption in Pristina of a regulation on the procedure for the issuance of certificates to Kosovo Serbs holding degrees from the university in North Mitrovica, a commission comprising Kosovo Albanian and Kosovo Serb representatives was established within the Kosovo Ministry of Education, Science and Technology to undertake the verification of diplomas.

17. The 378 former Serbian civil protection personnel in northern Kosovo, who had signed their appointment letters early in January with Kosovo institutions, participated in a basic training course on applicable institutional and legal frameworks and community rights organized by OSCE in March. The Kosovo authorities also established a recruitment panel allowing the integration of 32 former administrative staff from the Ministry of the Interior of Serbia into the Civil Registration Agency of Kosovo. In addition, on 11 March, the Kosovo police established two new offices in Leposavić/Leposaviq municipality to extend its outreach and community policing presence.

18. Serbian political parties increased their organizational and outreach activities in northern Kosovo ahead of the upcoming Serbian legislative elections. The Socialist Movement Party organized a series of municipal-level meetings that culminated in a Kosovo-wide party convention held on 30 January in Zvečan/Zveçan municipality. The Serbian Progressive Party also held a party convention in Leposavić/Leposaviq on 8 February with some 1,000 participants. The Serbian Progressive Party established municipal boards of the Union of Serbian Progressive Party Women in Zubin Potok and Leposavić/Leposaviq on 15 and 26 February, respectively, while the Socialist Movement Party established a women's wing in Leposavić/Leposaviq on 4 March. There was also an increase in the number of visits from officials of the Government of Serbia and Serbian political party leaders to northern Kosovo during the reporting period.

19. On 3 April, the outgoing Prime Minister of Serbia, Aleksandar Vučić, toured northern Kosovo and held a rally in Zubin Potok. In the early hours before his arrival, a grenade was thrown and a number of rifle rounds fired at the facility in Zubin Potok where his rally was scheduled to be held. The rally proceeded without further incident.

20. In an incident on 31 March, five Kosovo Serb juveniles reportedly threatened nine Kosovo Albanian juveniles in North Mitrovica, with one Kosovo Serb firing four shots from a pistol. There were no injuries. The Kosovo police interrogated the suspects.

IV. Security

21. The overall security situation in Kosovo remained stable, although political tensions generated a significant number of incidents, including violent protests, assaults and threats against officials and damage to government and private property. On 17 February, on the occasion of the eighth anniversary of the unilateral

declaration of independence by Kosovo, some 12,500 mainly peaceful demonstrators marched through central Pristina. On 19 February, as opposition lawmakers used violent means to disrupt the session of the Assembly, some 500 opposition supporters gathered outside the Assembly building, adding to the organized protest. On 26 February, during the extraordinary session of the Assembly to elect a new President, a gathering of some 400 to 500 opposition supporters turned violent. The Kosovo police made five arrests, including that of one member of the Assembly.

22. Government officials and their property also became targets throughout Kosovo. On 26 January in Pristina, four unknown persons threw paint and stones at the vehicle convoy of the then First Deputy Prime Minister and Foreign Minister, Hashim Thaçi. Three days later, in Pristina, unknown persons threw stones and bottles filled with ink at the official vehicle carrying the Minister of Agriculture. On 24 February, private vehicles belonging to the Minister of Agriculture and the Deputy Minister of Local Administration were set ablaze by unidentified perpetrators. On 26 and 27 February, offices belonging to the two major ruling coalition parties were vandalized in various locations in Kosovo. Also on 27 February, the President of the Kosovo Assembly was threatened on social media. On 6 March in Pristina, the official vehicle used by a ruling party official was set on fire. On 8 March, four opposition party activists were arrested for attempting to halt the official escort of the Prime Minister in Pristina. Lastly, on 12 March, unidentified persons threw a petrol bomb at the office of the outgoing President, Atifete Jahjaga, causing damage to the building. Five vehicles belonging to Kosovo officials were set on fire during the following week, and four EULEX vehicles were also vandalized.

23. The overall security situation in non-majority communities remained stable and was less affected by political violence, although the police increased patrols throughout Kosovo, in particular in the north. In January and February, the number of reported incidents affecting non-majority communities decreased, compared with the same period in 2015.

24. On 30 January, four Kosovo Albanians were detained for 48 hours near the Visoki Dečani monastery for the possession of weapons, including an assault rifle. On 18 February, individuals throwing stones at two Kosovo Serb houses in Klinë/Klina were swiftly identified as juveniles. On 22 February, the Kosovo police arrested three Kosovo Albanian juveniles and questioned an accomplice, releasing all four following an interview in the presence of their parents and a social worker. In northern Kosovo, the trial of six Kosovo Albanians involved in the stabbing of a Kosovo Serb juvenile on 9 April continued and is expected to conclude at the end of April.

25. Following the adoption of the five-year strategy of Kosovo on violent extremism and radicalization, further steps were taken towards its implementation. The Office of the Prime Minister has directed relevant ministries to prepare activities in their respective areas of work, while consultations have taken place in several municipalities, including Ferizaj/Uroševac, Kaçanik/Kačanik and Vushtrri/Vučitrn. On 15 and 16 March, the Kosovo police arrested two Kosovo Albanians suspected of having financed or facilitated activities of terrorist groups linked to Islamic State in Iraq and the Levant. On 17 March, graffiti referencing that group was found on a Serbian Orthodox church in Pristina. The influence of violent

extremist ideologies and the presence of members of extremist organizations remained a pressing concern for both local and international authorities.

V. Rule of law

26. Ongoing challenges in the rule of law area have been identified in recent reports from the European Union and the Council of Europe, as well as from various Member States. Among the most prominent issues are those concerning efforts to ensure the independence, accountability, impartiality and efficiency of judges and prosecutors; mistreatment of detainees, substandard physical conditions, drug abuse, corruption and favouritism in prisons; lengthy pretrial detention; and unresolved restitution claims.

27. Relatively little progress was achieved during the reporting period on the integration of judges and prosecutors from the Serbian judiciary into the Kosovo system, pursuant to agreements reached through the European Union-facilitated dialogue. Thirty-four judges and nine prosecutors who were selected in June and July 2015 are still awaiting their appointment. The Assembly of Serbia is yet to enact special legislation regulating the pensions of the staff who will make the transition.

28. On 21 January, a trial panel of EULEX international judges in the Basic Court of Mitrovica announced its verdict in the case of *Oliver Ivanović et al.* The Court found Ivanović, a prominent Kosovo Serb politician, guilty of "war crimes against the civilian population" in connection with the events of 14 April 1999. However, Ivanović and his co-defendant, Dragoljub Delibašić, the former head of the Ministry of the Interior of Serbia in North Mitrovica, were acquitted of charges of "incitement to commit aggravated murder" and "incitement to commit attempted aggravated murder" relating to events that had taken place on 3 February 2000. The other three defendants in the case were acquitted of charges of "aggravated murder" and "attempted aggravated murder". Ivanović was sentenced to nine years' imprisonment; his defence team is appealing against the trial panel's decision.

29. On 24 February, the then President of Kosovo, Atifete Jahjaga, ratified the international agreement concerning the hosting of the Specialist Chambers and the Specialist Prosecutor's Office in the Netherlands, previously signed on 15 February 2016 by the Minister for Foreign Affairs of Kosovo and the Ambassador of the Netherlands to Kosovo. The Specialist Chambers will try crimes allegedly committed during the Kosovo conflict between 1 January 1998 and 31 December 2000.

30. On 3 March, UNMIK facilitated a meeting between representatives of the United Nations Office on Drugs and Crime (UNODC), the Financial Intelligence Unit of Kosovo, the Special Prosecution Office of Kosovo, OSCE, EULEX, the Office of the European Union Special Representative, the United Nations Development Programme and other stakeholders on anti-money-laundering and counter-terrorism financing. The discussions were held within the broader framework of the UNODC Regional Programme for South-Eastern Europe for the period from 2016 to 2019.

31. UNMIK continued to monitor activities and exercise some responsibilities in the area of the rule of law. It maintained its technical cooperation with institutions

in Belgrade and Pristina and continued to facilitate requests for mutual legal assistance from States that do not recognize Kosovo. The Mission also facilitated interactions between international organizations, civil society and public institutions in northern Kosovo through monthly coordination meetings.

32. UNMIK also continued to provide document-certification services, primarily for the certification of civil status, academic and pension documents, to Kosovo residents and at the request of non-recognizing States. A total of 531 such documents were processed from 16 January to 15 April. The Mission also continued to facilitate communications between the Kosovo authorities and the International Criminal Police Organization (INTERPOL) and its member States. UNMIK received 29 requests seeking the issuance of international wanted notices, while nine INTERPOL "red notices" were issued.

VI. Returns and communities

33. The Office of the United Nations High Commissioner for Refugees (UNHCR) recorded 76 voluntary returns to Kosovo during the reporting period, comprising 39 Kosovo Serbs, 29 Kosovo Egyptians, 7 Kosovo Ashkali and 1 Kosovo Montenegrin. In 2015, it registered 778 individual voluntary returns to Kosovo.

34. UNHCR estimates that the total number of internally displaced persons living in Kosovo stood at 16,785 at the end of March 2016. Of those, 472 reside in 29 collective centres in Kosovo. UNHCR continued to provide support to individual community members to obtain personal documentation and resolve civil status issues. Eighty individuals received such assistance during the reporting period.

35. The Office of Community Affairs of the Prime Minister of Kosovo continued its efforts to create employment opportunities for members of non-majority communities. A six-month programme began early in March for 100 beneficiaries, including 49 Kosovo Serbs, to carry out internships in central and local government positions, local media outlets and non-governmental organizations.

36. During the reporting period, 52 landless families from Kosovo Roma, Ashkali and Egyptian communities received newly constructed houses in the town of Gjakovë/Đakovica. Early in March, Ferizaj/Uroševac municipality and the organization Caritas Kosova signed a memorandum of understanding to upgrade the social and education centre in the village of Dubravë/Dubrava to improve medical and social community services. Some 95 per cent of the village consists of ethnic Ashkali.

37. The municipality of Prizren allocated €20,000 per year for two years to the Municipal Office for Communities and Return to support the implementation of the action plan for the integration of the Kosovo Roma, Ashkali and Egyptian communities.

VII. Cultural and religious heritage

38. Relations between the Serbian Orthodox Church and the Kosovo authorities remain difficult, but efforts to facilitate dialogue continued. While the

Implementation and Monitoring Council had yet to reconvene since its meeting in September 2015, its members informally agreed to resume regular meetings shortly.

39. In an important development for the protection of church property rights, on 29 February, the Constitutional Court extended to 31 May the interim measures relating to the long-standing dispute between the Deçan/Dečani municipality and the Serbian Orthodox Visoki Dečani Monastery. Meanwhile, the council for the cultural heritage of the historic centre in Prizren held four regular meetings following its reconstitution early in January. A new Chair was elected and three requests for minor repairs to existing buildings were approved.

40. On 19 March, the government of Kosovo organized a conference in Prizren on interfaith dialogue and heritage protection as tools of reconciliation and of combating religious extremism. Representatives of the Islamic community, the Serbian Orthodox Church, the Roman Catholic Church, the Jewish community, the Union of Kosovo Tarikats, the Kosovo Protestant Church and the Bektashi Order participated in the conference.

41. On three occasions, under a new initiative, the Visoki Dečani Monastery was visited by groups of Kosovo Albanian schoolchildren who expressed great interest in learning more about the monastery's architecture, frescoes and religious history.

VIII. Human rights

42. On 25 January, UNMIK, on behalf of the International Human Rights Working Group, held a working session with the Office of the Prime Minister to discuss its recommendations on the draft Kosovo human rights strategy (2016-2020) and continued to press for its swift completion.

43. On 12 February, the government of Kosovo and the Ombudsperson signed a memorandum of cooperation relating to the use of the institution's new premises, which would allow it to remain independent, in accordance with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles). On 18 February, the Kosovo authorities allocated an additional €420,000 to the Office of the Ombudsperson. Compliance with the Paris Principles and the allocation of funds were among the requirements set forth by the European Union to advance the visa liberalization application submitted by Kosovo. On 10 March, the Office of the Ombudsperson became a member of the Association of Mediterranean Ombudsmen, which supports cooperation and the exchange of information and best practices among members.

44. UNMIK welcomed the appointment of the Chair of the Pristina delegation of the Joint Working Group on Missing Persons by the Prime Minister of Kosovo, Isa Mustafa, on 5 February. On 25 March, the forty-second public meeting of the Working Group was held in Belgrade, chaired by the International Committee of the Red Cross. The Chair of the Working Group confirmed that the number of persons unaccounted for in connection with the events in Kosovo stood at 1,665. Since the previous public session, 8 cases had been closed, while 19 had been opened.

45. On 2 February, the Prime Minister signed a regulation to establish a government commission and procedures for the verification and recognition of the status of survivors of conflict-related sexual violence as civilian victims. The Office of the Prime Minister also established the commission's secretariat. The terms of

reference for the members of the secretariat, commission and authorized non-governmental organizations were drafted with support from the United Nations Entity for Gender Equality and the Empowerment of Women. The regulation will enable the start of the implementation of the related law, which, for the first time, legally recognizes the status of civilian victims of sexual violence during the conflict in Kosovo. Reparations foreseen in the law include access to pensions, free medical treatment, access to employment and income-generating activities, and access to education.

46. The reporting period was marked by several developments relating to young people, which are relevant to report in the context of Security Council resolution 2250 (2015) on youth and peace and security. On 14 February, 32 non-governmental organizations for young people from the Republic of Moldova and the western Balkans signed a "Balkan club" cooperation agreement, establishing an information network to coordinate civil society engagement relating to young people in the region. On 26 February, recognizing the potential role of young women in reconciliation work, UNMIK organized a global open day round-table discussion. Participants from civil society organizations throughout Kosovo took stock of existing initiatives and discussed challenges and recommendations to advance the women and peace and security agenda. Key areas addressed included the engagement of young women in decision-making processes, economic security and empowerment and preventing violence against women. While acknowledging the adoption of relevant legislation and plans, participants observed that implementation remained hindered by traditional gender roles in a patriarchal society, inadequate financial support, a lack of intragovernmental coordination and limited accountability mechanisms in both the public and private sectors. On 26 February, a group of young women programmers, in coordination with non-governmental organizations including the Kosovo Women's Network, launched a mobile application to report sexual harassment.

47. As part of global efforts to promote gender equality on the occasion of International Women's Day on 8 March, the Assembly of Kosovo held a solemn session in the presence of Kosovo dignitaries and members of the international community, during which a documentary was screened on women who had suffered sexual violence during the conflict. This positive development is indicative of the renewed attention of the leaders and institutions of Kosovo to recognize the status of survivors of conflict-related sexual violence.

48. During the reporting period, the UNMIK Human Rights Advisory Panel delivered four opinions on seven complaints, including one in a case relating to the exposure of Roma internally displaced persons to hazardous health conditions, including lead contamination, during the early days of the interim administration. In two opinions, relating to five complaints, the Panel found that UNMIK had fallen short of satisfying the procedural requirements of article 2 (right to life) and article 3 (prohibition of torture, inhumane or degrading treatment) of the Convention for the Protection of Human Rights and Fundamental Freedoms. In another opinion, in addition to violations of articles 2 and 3 of the Convention, the Panel found a violation of the Convention on the Elimination of All Forms of Discrimination against Women. In the opinion arising from the case of the exposure of the Roma internally displaced persons to lead contamination, the Panel identified numerous violations of not only those conventions but also the International Covenant on Economic, Social and Cultural Rights, the International Covenant on

Civil and Political Rights and the Convention on the Rights of the Child. Since my previous report, no progress has been made with regard to the Panel's recommendations concerning the payment of adequate compensation, including for moral damages arising from the alleged violations by UNMIK. As at the end of the reporting period, the Panel had closed 525 cases, with only 2 pending. The Panel is scheduled to complete its substantive work by the end of June 2016 and issue a final report thereafter.

IX. Observations

49. I welcome the election as the new President of Kosovo, Hashim Thaçi. I note with appreciation the important commitments that he presented in his inaugural address, which I hope offer an opportunity for the beginning of a new chapter of political discourse in Kosovo. I wish to express my appreciation to the former President, Atifete Jahjaga, who set an example of fully engaged leadership during the past five years, in particular as an advocate for the integration of all communities and a champion for the increased participation of women in Kosovo society.

50. The tense and divisive atmosphere that had surrounded the election process in the Kosovo Assembly, as well as the boycott and attempts to disrupt the inauguration ceremony by opposition parties and supporters, serve as reminders of the requirement for active efforts to address the needs and aspirations of people in Kosovo by all its democratically constituted institutions. At the same time, acts of violence in any form remain an unacceptable means to express political views. I renew my call upon all leaders in Kosovo to act responsibly when debating the many pressing concerns at hand.

51. I am pleased to note the commitments expressed by the President and the Prime Minister to the process of normalizing relations between Belgrade and Pristina taking place under the auspices of the European Union, and to achieving the full implementation of the agreements already reached, in particular regarding the establishment of the Association/Community of Serb majority municipalities in Kosovo. Nevertheless, I note with concern the slow pace of implementation during the past 12 months and hope that the positive steps already taken under European Union facilitation will be matched by energetic efforts to complete the remaining steps, and also to tackle further subjects in the near future.

52. I look forward to the swift establishment of the Specialist Chambers and the Specialist Prosecutor's Office and applaud the Kosovo authorities for expeditiously ratifying the requisite host agreement with the Government of the Netherlands. This process marks a vital step in strengthening the rule of law in Kosovo, as well as a historic opportunity to help to heal the scars from the conflict.

53. As documented in my previous reports, Kosovo continues to face numerous significant challenges with regard to the rule of law, not least the independence and impartiality of the justice sector. In this regard, support from international partners, including UNMIK and other United Nations entities, should be harnessed creatively within the context of the ongoing European agenda in the region. I also call for further progress in the full integration of judges and prosecutors from the Serbian judiciary into the Kosovo system.

54. Much work remains to be done in Kosovo to promote greater tolerance and reconciliation among its communities, to ensure the protection of minority rights, to facilitate the return of the displaced, to uphold their property rights and to safeguard religious traditions without impediment or stigma.

55. I express my gratitude to my Special Representative, Zahir Tanin, who is leading UNMIK with commitment and vision, and to all Mission personnel for their dedication and service. In this regard, I note with appreciation Mr. Tanin's continuous efforts in making maximum use of the Mission's resources to achieve further stabilization and normalization between Belgrade and Pristina. Equally important are the Mission's renewed outreach and facilitation efforts, as well as its ongoing promotion of trust and reconciliation. I also wish to thank all members of the United Nations family and the Mission's international partners on the ground, including KFOR, EULEX, OSCE and the European Union, for their cooperation and contributions to our shared work towards peace and progress in Kosovo and the entire region.

Annex I

Report of the European Union High Representative for Foreign Affairs and Security Policy to the Secretary-General on the activities of the European Union Rule of Law Mission in Kosovo from 16 January to 15 April 2016

1. Summary

The European Union Rule of Law Mission in Kosovo (EULEX) continued its monitoring, mentoring and advising activities, and to implement its executive functions in line with its mandate in the rule of law area. A number of verdicts were pronounced in cases concerning war crimes, organized crime, corruption and other serious crimes. A Kosovo Serb was found guilty of war crimes against the civilian population in 1999 and sentenced to nine years of imprisonment. He and four other defendants were acquitted of charges relating to murders that had occurred in 2000. The trial in the "PINK" case, relating to the smuggling of migrants and organized crime, led to the conviction and imprisonment of three defendants. One defendant received a prison sentence in a case relating to causing general danger in Mitrovica South. One defendant was found guilty of the attack on EULEX in Zubin Potok in May 2012. The Court of Appeals finalized the judgments in the "Passport" case, relating, inter alia, to organized crime, money-laundering and fraud, and the "Medicus" case, relating, among other things, to organized crime and trafficking in persons.

The Mission continued to monitor and advise the Kosovo police in its response to various protests. EULEX conducted joint training sessions on crowd and riot control with the quick response teams of the regional police directorates Mitrovica North and Mitrovica South. EULEX maintained its advisory support role to the Kosovo Border Police on the preparedness of Kosovo in the event of a considerable influx of migrants. The Mission worked with the Kosovo Border Police and Kosovo Customs as they resumed their joint green border patrols, leading to important seizures of smuggled goods. In addition, since January, the Kosovo Border Police and EULEX have been successfully conducting regular joint patrols along the green boundary/border in northern Kosovo.

There was progress in the implementation of the Pristina-Belgrade agreement on the integration of the judiciary, as vacancy notices for judges, prosecutors and support staff were published on 29 March.

The Head of Mission appointed the Registrar of the Specialist Chambers. The court planning team successfully transitioned to the Specialist Chambers and personnel moved to the host State, the Netherlands, and commenced preparatory work in The Hague.

2. EULEX activities

2.1 Executive

War crimes

On 12 February, a panel of EULEX judges at the Mitrovica Basic Court acquitted a local journalist of charges of violating the secrecy of proceedings and attempting to obstruct evidence or official proceedings in the "Drenica 1" and "Drenica 2" cases.

On 18 March, a panel of EULEX judges at the Mitrovica Basic Court opened the main trial against a defendant, indicted for war crimes, who had been a fugitive from justice, having avoided trial in the *Sabit Geci et al.* case, finalized in 2013.

Organized crime and corruption

On 24 February, a panel of one local judge and two EULEX judges at the Pristina Basic Court reopened the main trial against seven defendants in the "KEK" case, relating, inter alia, to fraud and the falsification of documents. The trial restarted after the Supreme Court overruled, in December 2015, the decision of the Court of Appeals, which had partially granted the defence counsel's appeals and had dismissed the indictment as belated.

On 26 February, a panel of one local judge and two EULEX judges at the Prizren Basic Court announced the verdict against four defendants in the "PINK" case, relating to migrant smuggling into the European Union and organized crime. Three defendants were found guilty and one was acquitted of all charges. Two of the convicted defendants received aggregated sentences of six years of imprisonment and a fine of €6,000 each, while one was sentenced to five years of imprisonment and a fine of €4,000.

In February, a panel of one local judge and two EULEX judges at the Court of Appeals finalized a judgment in the "Passport" case, relating, among other things, to organized crime, money-laundering and fraud. It partially granted the appeals by six defendants against the judgment of the Pristina Basic Court, thereby reducing their punishments. It further granted the appeals submitted on behalf of two other defendants, acquitting them of charges relating to receiving stolen property.

A panel of one local judge and two EULEX judges at the Court of Appeals finalized in February a judgment in the "Medicus" case, relating, among other things, to organized crime and trafficking in persons, and thereby modified the judgment of the Pristina Basic Court. The verdict increased the prison sentences for two defendants and acquitted two others, while the punishment for one defendant was affirmed. Two of the convicts defied the judgment of the Court of Appeals and remained at large, despite arrest warrants.

On 2 March, a EULEX prosecutor at the Kosovo Special Prosecution Office filed an indictment against 23 persons in a case relating to the expropriation of socially owned land. The indictment comprises 29 criminal offences, including money-laundering, the issuance of unlawful judicial decisions, the misuse of official duty or authority and the falsification of official documents.

Other serious crimes

On 18 February, a panel of one local judge and two EULEX judges at the Pristina Basic Court announced the verdict against one defendant in the case relating to an attack on a convoy of two official Serbian vehicles in 2012. The defendant, charged with endangering internationally protected persons and damaging movable property, was acquitted.

On 1 March, a panel of EULEX judges at the Mitrovica Basic Court restarted the main trial against two defendants in a case relating to aggravated murder, attempted aggravated murder and unauthorized ownership, control, possession or use of weapons. The panel had found the two defendants guilty on 6 March 2015 and sentenced one to a term of imprisonment of 13 years and 6 months and the other to a term of 17 years and 6 months. However, in October, the Court of Appeals annulled the judgment and returned the case to the Mitrovica Basic Court for retrial.

On 8 March, a panel of one local judge and two EULEX judges at the Supreme Court rejected as inadmissible the applications for protection of legality filed on behalf of two defendants against a previous decision of the Supreme Court. On 13 March 2014, the Prizren Basic Court had found the defendants guilty of abuse of official position or authority. Following the defendants' appeals, the Court of Appeals annulled the judgment and returned the case for retrial. However, on 1 December 2015, the Supreme Court revoked the decision and returned the case to the Court of Appeals for reconsideration by a new panel.

On 14 March, a panel of EULEX judges at the Mitrovica Basic Court announced the verdict against two defendants in a criminal case relating to abuse of official position or authority and fraud in office. The defendants were acquitted of all charges.

On 17 March, a panel of EULEX judges at the Mitrovica Basic Court announced the verdict in a case involving two defendants and relating to causing general danger in Mitrovica South in 2012. One defendant was found guilty and sentenced to a term of imprisonment of two years and nine months. The panel decided to try the second defendant separately, given that he did not appear in court.

Allegations found in the report by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe

The Special Investigative Task Force was established in 2011 to conduct a criminal investigation into the allegations contained in the Council of Europe report from January 2011, authored by the Special Rapporteur for the Committee on Legal Affairs and Human Rights of the Council of Europe, Dick Marty. The investigation conducted by the Task Force continues to focus on the individual criminal liability of those most responsible for the claims made in the report.

The Special Investigative Task Force's work with individuals, injured parties and victim advocacy groups continues in order to gather evidence and information relevant to the investigation. While cooperation with judicial and law enforcement authorities in the region and beyond is ongoing and remains satisfactory, the Task Force looks forward to sustained cooperation from all parties as operational and investigative activities move forward.

Specialist Chambers

In April, Ms. Fidelma Donlon was appointed by the Head of Mission as the Registrar. Following this appointment, personnel from the court planning team transitioned to the Specialist Chambers. Chambers personnel moved to The Hague, the Netherlands, and have commenced preparatory work for the operations of the Chambers in the host State.

Department of Forensic Medicine

In January, EULEX forensic experts at the Kosovo Department of Forensic Medicine handed over two sets of remains, one to Serbia and one to Croatia, and in February identified the remains of four other missing persons. In February and March, EULEX forensic experts conducted site assessments in the areas of Skenderaj/Srbica, Gjakovë/Đakovica, Gllogoc/Glogovac, Vushtrri/Vučitrn, Rahovec/Orahovac, Prizren and Pristina. On 24 March, EULEX forensic experts handed over the remains of one missing person to the family in Suharekë/Suva Reka. On 29 March, EULEX forensic experts at the Kosovo Department of Forensic Medicine, along with two local representatives, as well as a representative of the Serbian side, resumed the site assessment at Kiževak in the Rudnica mining complex in Serbia.

Property rights

During the reporting period, the Kosovo Property Agency Appeals Panel received 25 new appeals and adjudicated 63 appeals, while 417 appeals are pending a decision of the panel.

The Special Chamber of the Supreme Court for privatization matters rendered 629 decisions in first-instance trial panel cases and finalized 86 cases at the appellate panel level.

2.2 Strengthening

Despite increased efforts by the Mission to support the Kosovo Judicial Council and the Kosovo Prosecutorial Council in finalizing their drafting of secondary legislation for the amended package of laws on the judiciary, there has been no further progress after both councils missed the deadline of 15 January 2016, as foreseen in the amended judicial package of laws. Approximately half of the regulations remain to be adopted.

In February, the Kosovo Prosecutorial Council appointed the director of the newly established secretariat, a positive step towards consolidating the organization. The Mission continues to provide advice to enable the secretariat to become fully operational in the first half of 2016.

In March, EULEX monitored the selection process for two members of the Kosovo Judicial Council from the Supreme Court quota. The Council thereby maintained its quorum, despite the end of the mandate of two of its members on 8 March, with 12 of the 13 positions filled. The remaining member is to be appointed by the Assembly.

The Kosovo Border Police and Kosovo Customs renewed their joint green boundary/border patrols, leading to the seizures of smuggled goods, including drugs, weapons, cigarettes and medicines. The Mission worked with both agencies

on strategic planning for the continuation of these joint operations. EULEX continued to monitor the process of merging Kosovo Customs and the Tax Administration of Kosovo. For this purpose, the Mission met on various occasions with the Office of the European Union, the Ministry of Finance and other international stakeholders to discuss progress achieved to date and further possible technical assistance.

EULEX continued to advise the Kosovo Border Police on its preparedness should Kosovo receive a considerable influx of migrants. The Kosovo Border Police have increased their presence along the green boundary/border and intensified checks at Pristina International Airport. Currently, there is neither an increased influx of migrants into Kosovo nor any indication that it may become a favoured route. The Mission also advised the Department of Citizenship, Asylum and Migration in the Ministry of Internal Affairs on preparing for a potential migration crisis. Improvements in several areas, in particular concerning accommodation in the detention centre for foreigners, have been noted, and Kosovo has, overall, improved its capacity to receive a larger number of irregular migrants.

EULEX monitored the selection process for the director positions at the detention centres in Prizren and Pejë/Peć. While the new director of the Pejë/Peć Detention Centre was appointed on 10 March, EULEX has advised that the selection process for the position at the Prizren Detention Centre will have to be repeated owing to procedural shortcomings. EULEX continues to advise the Correctional Service in order to remedy the phenomenon of preferential treatment of high-profile prisoners, which, for the time being, remains an issue.

The Mission continued to monitor and advise the Kosovo police in their response to various protests by the opposition. The Kosovo police maintained their professionalism, reflecting the lessons learned from previous interventions and performing in accordance with European best practices.

EULEX provided guidance and impact assessment to the Kosovo police in the implementation of the intelligence-led policing aide-memoire card project. Through this project, police officers from throughout Kosovo received training on the importance of using the intelligence-led policing model to improve police functionality.

In March, EULEX conducted an assessment of the implementation process of the Kosovo police information system, introduced in 2014. While the system is fully functional and used in a proper way overall, the Mission recommended that the training concept be reviewed and adapted in order to better fit the needs of officers and cadets, especially those with limited computer literacy.

EULEX made an assessment of inter-agency cooperation in relation to investigating rape and serious sexual offences, with a focus on identification, acquisition and management of forensic samples. Several recommendations were identified and discussed with senior police management to achieve a more victim-centred approach in the future.

A mechanism of ad hoc coordination meetings at the deputy minister level was established following EULEX advice to the Ministry of Internal Affairs and the Police Inspectorate of Kosovo on how to proactively deal with cases where there are diverging views between the Kosovo police and the Police Inspectorate on the results of investigations by the latter.

2.3 Northern Kosovo

As part of its monitoring, mentoring and advising activities and outreach in northern Kosovo, the Mission continued to meet regularly with political representatives, civil society, Kosovo Police Regional Directorate Mitrovica North, the Kosovo Correctional Service at the Mitrovica Detention Centre and others.

The situation remained largely calm but fragile. On 25 January, two Kosovo Serb males sustained gunshot injuries in the main street of Mitrovica North. On 31 March, shots were fired at a group of Kosovo Albanians, mostly young people, in Mitrovica North; no injuries were sustained. The Kosovo police interviewed four suspects, all of whom were minors. Arson of private vehicles occurred in Mitrovica North on 6 February (property of a Kosovo Serb police officer), on 7 March and on 18 March (the latter vehicle the property of a Kosovo customs officer). In the early morning of 3 April, a hand grenade exploded and an automatic weapon was fired at the Zubin Potok sports hall, in which a public gathering with the visiting Prime Minister of Serbia was planned to take place that afternoon.

EULEX exercised its executive functions in a number of judicial cases. On 21 January, a panel of EULEX judges at the Mitrovica Basic Court announced the verdict against five defendants. One defendant was found guilty of war crimes committed against the civilian population in 1999 and sentenced to nine years of imprisonment. All defendants were acquitted of all charges of the second count relating to murders that had occurred in February 2000. On 29 January, some 1,000 people protested peacefully in Mitrovica North in support of the convicted person. The full reasoned judgment was delivered to the parties on 4 April.

On 2 February, one EULEX judge and two lay judges (one Kosovo Serb and one Kosovo Albanian), acting as a juvenile panel at Mitrovica Basic Court, opened the main trial against six Kosovo Albanian minors in a case relating to an attempted murder (the stabbing of a Kosovo Serb juvenile near the main bridge in Mitrovica in April 2015). The trial encompassed charges for events on two other dates (May and June 2015), including threatening and inciting national, racial, religious or ethnic hatred. On 24 March, the day scheduled for the announcement of the verdict, the juvenile panel decided instead to reopen the main trial on 15 April in order to supplement the case with the additional expert analysis of a weapon seized from one minor.

On 29 February, a panel of EULEX judges at the Mitrovica Basic Court announced the verdict against one defendant, finding him guilty of several criminal offences relating to the attack on a EULEX convoy in Zubin Potok in May 2012. He was sentenced to an aggregated suspended term of imprisonment of one year and two months, with a verification period of three years and a fine of €1,000. Prior to the verdict, a guilty plea agreement had been filed in which the prosecution dismissed the charges initially brought against the same defendant for a similar attack against EULEX in April 2012.

The Mission continued to support the Kosovo police response to inter-ethnic crimes and implementation of the intelligence-led policing concept in the Regional Police Directorate Mitrovica North. EULEX supported the Kosovo police in preparing a new Serbian-language form for intelligence-led policing reporting. The Mission initiated a series of joint training sessions on crowd and riot control with the quick response teams of the Regional Police Directorates Mitrovica North and

Mitrovica South. EULEX helped to bridge the gap between the Kosovo police and local civil society organizations in readiness and response to gender-based violence and domestic violence by organizing expert meetings between the police, civil society and international organizations in both Mitrovica North and Mitrovica South.

Since 11 January, the Kosovo Border Police and EULEX have been successfully conducting regular joint patrols along the green boundary/border in northern Kosovo, leading to several arrests relating to smuggling, illegal crossing or irregular vehicle and transportation documents.

2.4 Dialogue implementation

On 18 February and 4 March, the selection panel for the integration of 77 former Serbian Ministry of the Interior administrative staff (not integrated in 2013/14) met. The panel was composed of representatives of the Kosovo Ministry of Internal Affairs, the Civil Registry Agency, former Serbian Ministry of the Interior administrative staff and EULEX. The first applications for positions in the Agency are expected later in April.

EULEX continued its field visits to civil status satellite offices in northern Kosovo to assess the use of the certified copies of civil registry books, handed over in October 2015. There is a significant demand from Kosovo Serbs living there in requesting civil status documents.

On 7 and 8 March, EULEX participated in an integrated border management implementation group meeting in Brussels regarding the construction of six permanent crossing points.

There was progress in the implementation of the Pristina-Belgrade agreement on the integration of the judiciary. On 29 March, the Kosovo Judicial Council and the Kosovo Prosecutorial Council issued the vacancy notices for 14 judges, 6 prosecutors and 149 support staff, as agreed in the context of the European Union-facilitated dialogue. The vacancies were published on the institutions' websites, with a deadline of 29 April to apply.

Annex II

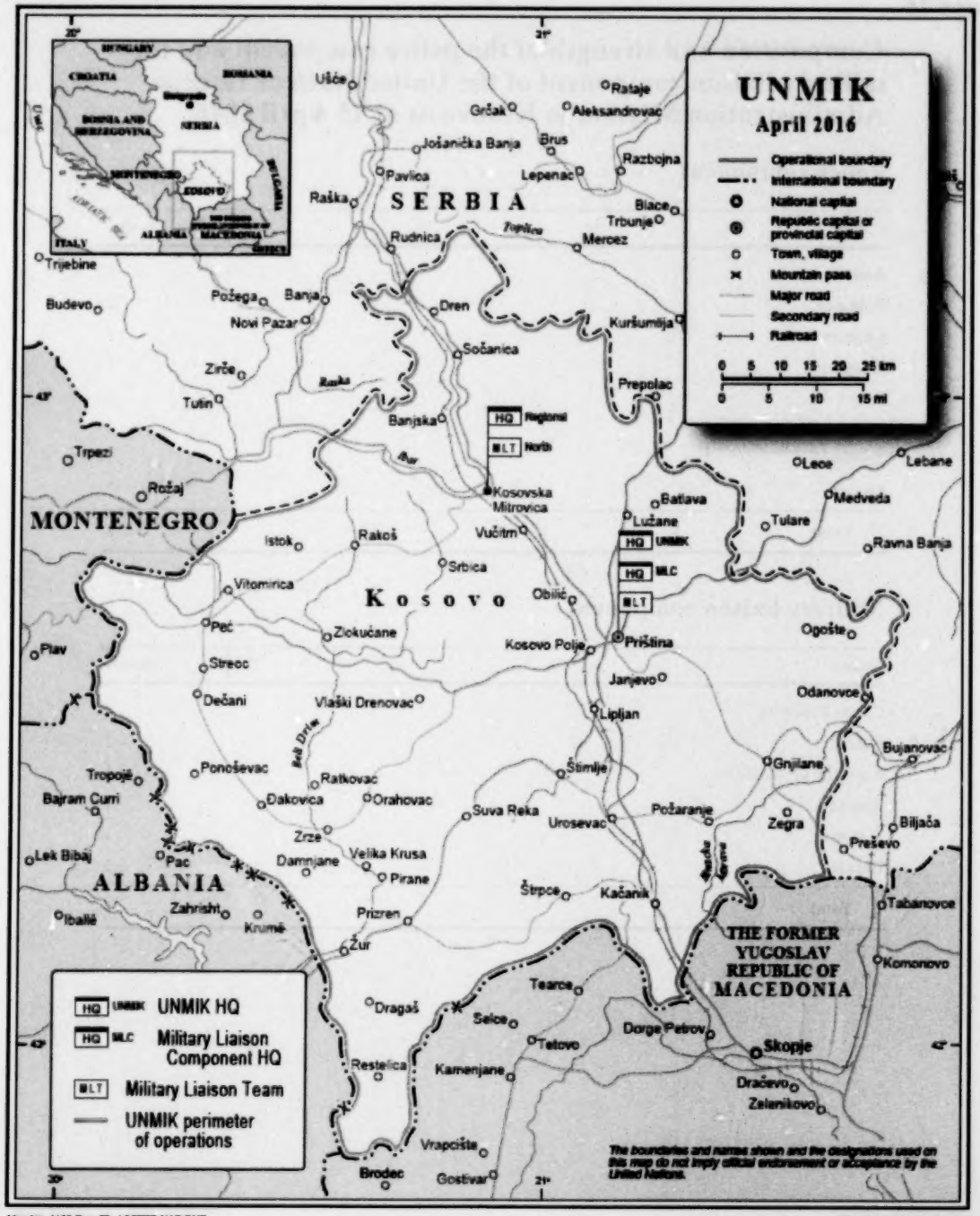
Composition and strength of the police component and the military liaison component of the United Nations Interim Administration Mission in Kosovo as at 15 April 2016

Police component

Country	*Number*
Austria	1
Bulgaria	1
Germany	1
Hungary	1
Italy	1
Russian Federation	1
Turkey	1
Ukraine	1
Total	**8**

Military liaison component

Country	*Number*
Czech Republic	2
Poland	2
Republic of Moldova	1
Romania	1
Turkey	1
Ukraine	2
Total	**9**


UNMIK
April 2016
Operational boundary
International boundary
National capital
Republic capital or provincial capital
Town, village
Mountain pass
Major road
Secondary road
Railroad
0 5 10 15 20 25 km
0 5 10 15 mi
HQ Regional
LT North
HQ UNMIK
HQ MLC
LT
UNMIK HQ
Military Liaison Component HQ
Military Liaison Team
UNMIK perimeter of operations
SERBIA
MONTENEGRO
Kosovo
ALBANIA
THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA
HUNGARY
CROATIA
ROMANIA
BOSNIA AND HERZEGOVINA
BULGARIA
ITALY
GREECE
Ušće
Rataje
Gršak
Aleksandrovac
Jošanička Banja
Brus
Razbojna
Pavlica
Lepenac
Raška
Blace
Trbunje
Rudnica
Merdare
Trijebine
Požega
Banja
Budevo
Novi Pazar
Dren
Kuršumlija
Sočanica
Zrče
Tutin
Prepolac
Banjska
Trpezi
Rožaj
Kosovska Mitrovica
Batlava
Leoce
Lebane
Medveda
Lužane
Tulare
Istok
Rakoš
Vučitrn
Ravna Banja
Srbica
Vitomirica
Obilić
Peć
Ziokućane
Kosovo Polje
Priština
Ogošte
Plav
Streoc
Janjevo
Dečani
Vlaški Drenovac
Lipljan
Odanovce
Bujanovac
Ponoševac
Štimlje
Gnjilane
Tropojë
Ratkovac
Bajram Curri
Dakovica
Orahovac
Suva Reka
Požaranje
Zegra
Biljača
Urosevac
Zrze
Lek Bibaj
Damnjane
Velika Krusa
Pac
Pirane
Preševo
Štrpce
Kačanik
Tabanovce
Zahrishti
Iballë
Prizren
Krumë
Žur
Komonovo
Tearce
Dragaš
Selce
Tetovo
Dorge Petrov
Skopje
Restelica
Kamenjane
Dračevo
Zelenikovo
Vrapcište
Brodec
Gostivar
The boundaries and names shown and the designations used on this map do not imply official endorsement or acceptance by the United Nations.
Map No. 4133 Rev. 66 UNITED NATIONS
April 2016 (Colour)
Department of Field Support
Geospatial Information Section (formerly Cartographic Section)